

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RUTH C. MILLER, Executrix of the Estate)	
of EDWARD W. SMITH, O.D.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-cv-478
)	(Phillips)
UNIMERICA INSURANCE COMPANY,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is scheduled for trial on August 24, 2010. Upon a careful review of the record, the court is of the opinion that mediation will facilitate a possible resolution in this case. Pursuant to LR 16.4, it is hereby **ORDERED** that the parties in this case enter into mediation.

The parties shall notify the court within **thirty (30)** days from the date of this order the identity of the mediator who will conduct the mediation and of the date, time and place for the mediation. It is **FURTHER ORDERED** that the parties, their representatives and/or actual decisionmakers for the parties, including persons with actual settlement authority on behalf of all the parties to this litigation, shall be present for the mediation, which should be scheduled to occur prior to **April 19, 2010**. The parties shall promptly notify the court of the results of the mediation.

Accordingly the following motions are **DENIED AS PREMATURE, with leave for**

the parties to re-file the motions if mediation does not resolve this case:

- Plaintiff's Motion for Summary Judgment [Doc. 13]
- Defendant's Motion to Strike [Doc. 20]
- Plaintiff's Motion to Strike and Motion in Limine [Doc. 23]
- Defendant's Motion for Summary Judgment [Doc. 30]
- Plaintiff's Motion to Strike and Motion in Limine [Doc. 40]
- Defendant's Motion to Strike [Doc. 46]

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge